## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

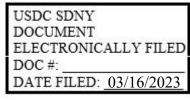
MARK OWEN and JAMES WANDLING, Individually and On Behalf of All Others Similarly Situated,

Plaintiffs,

-against-

ELASTOS FOUNDATION, et al.,

Defendants.



19-CV-5462 (GHW) (BCM)

**ORDER** 

## BARBARA MOSES, United States Magistrate Judge.

For the reasons stated on the record during the March 14, 2023 conference, it is hereby

## ORDERED that:

- 1. <u>Anticipated Motion Practice</u>. Plaintiffs advise the Court that they anticipate filing a motion for spoliation sanctions pursuant to Fed. R. Civ. P. 37(e). The parties shall meet and confer in a good faith effort to agree upon a briefing schedule for that motion that does not extend beyond the expert discovery period.
- 2. <u>Pending Motion to Deny Class Certification</u>. Additionally, the parties shall meet and confer in a good faith effort to agree upon the withdrawal of defendants' preemptive motion to deny class certification (Dkt. 154) without prejudice to renewal, on a full record, when plaintiffs move for class certification.
- 3. <u>Joint Status Letter</u>. No later than March 24, 2023, the parties shall file a joint letter (a) updating the Court as to the outcome of these discussions and (b) submitting any agreed-upon briefing schedule for the Court's consideration.

Dated: March 16, 2023

New York, New York

SO ORDERED.

**BARBARA MOSES United States Magistrate Judge**